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16 May 1980

Worldwide Report

LAW OF THE SEA

No. 119

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UNRESOLVED ISSUES IN IMPLEMENTING LOS CONFERENCE PROPOSALS

Paris POLITIQUE ETRANGERE in French No 10, Mar 80 pp 11, 87-113, 271

[Article by Guy Ladreit de Lacharriere, vice president of French delegation to the UN LOS Conference]

[Excerpt] Born in 1919, Mr de La Cherriere holds a degree in letters, a doctorate in law, and degrees in Russian and political science. After serving first as attache, then as second secretary at the French embassy in Moscow, he held several posts at UNESCO, beginning in 1948. He is now senior minister plenipotentiary, member of the Council of State on special assignment, and vice president of the French delegation to the UN LOS Conference.

Summary

Since opening day of the UN Conference on the Law of the Sea, the Third World has made no secret of its desire to lessen the dominion of the developed countries. There is a definite rift between the littoral countries and those whose boundaries include no seashores. While encouraging the Third World countries, giving them the right to extract resources from the sea bed, the Conference compensates the industrial powers with freedom of navigation, both civilian and military, in the open sea zones. The Conference also determined to create an organization to manage the international sea bed, which it styled "the common heritage of mankind." One of this organization's tasks will be to monitor and control the entry of all raw materials of marine origin onto the international market. The Conference, however, has not yet adopted an official draft agreement. Meanwhile, the industrial powers are reasserting their right to exploit the sea bed in the international zone.

To begin with, the institutional issues are far from settled. According to the industrial powers, if the assembly of the future Authority, made up of all the member States, is to legislate by two-thirds majority, then the essential powers of regulation and management must be vested in a select Council, made up of members grouped by categories of interest, and its voting rules must allow the developed nations to veto any decision they find unacceptable. For the time being, at least, achievement of these goals is still very far from certain. As a consequence, the industrial powers, profoundly distrustful of the decisions the still unborn bodies of the Authority will reach, are seeking to introduce into the agreement the greatest possible number of devices to give it treaty force. This concern with detailed regulation is part and parcel of the difficulties still unresolved, even on the shape and substance of the future regime.

These issues have to do largely with the "parallel system" of exploitation. This system is only conditionally accepted by the Third World: first of all, that it be accepted only temporarily, for a period of 20 years, at the expiration of which time a review conference will decide on its fate.

In any case, the developing countries argue, this parallel system should constitute a reality, not just a mere juridical option open to the Authority: it must be "viable." Practically speaking, since the Authority has neither the required funds not the requisite technology, the industrial powers, at least for exploitation of the first site by the Enterprise, must find that financing and that technology for it. The industrial powers, which accept the premise that the Enterprise must be practically placed in a position to do the exploiting, challenge the specific inferences the Third world would draw from that principle. A guarantee by the rich countries of loans to the Enterprise evokes no objection. There is not the same harmony, however, around competitive financing of half the value of investments for a first site (the less so since there is no possible way, at present, of knowing what that value will be).

Some opposing factions point out, in connection with the determination of procedures and the level of taxation to which the exploiting corporations (sponsored by the States) would be subjected, to the advantage of the Authority. The developing countries are trying to maximize the rate of this taxation, while

the industrial powers point out that it should be low enough so as not to discourage exploitation of the sea beds.

The intensity of fiscal pressure proposed by the Third World is not, however, related to any general Third World policy, which would consist in pushing for the highest possible profits for the Authority from sea bed exploitation, so as to funnel them into international aid. After an initial period, during which it has set an optimistically high value on the financial resources it could derive from its collective control of the "common heritage of mankind," the Third World has completely changed its approach to these issues. From now on its members, although very few of them now produce or are about to produce the metals to be found on the sea bed, have decided to think like the producers they would like to be, rather than as the consumers they are. This solidarity with the land-based producers has led the Third World to call for a flat limit on sea bed production (which would not be permitted to exceed the annual growth in world consumption), thereby forcing hobbles upon production which no land-based producing nation could tolerate. The United States, and the industrial powers in general, are resigned to accepting such a limitation, the ground-rules for which, however, are still to be established.

The interesting point here, though, is that the group that is going to control the "common heritage of mankind" does not plan to take advantage of its power to increase the amount of raw materials offered on the world market, but rather to forestall this new resource's completely undercutting the developing countries' tactics designed to boost the value of their own output. In other words, the promise of sea bed exploitation is viewed basically as a threat by the Third World; such operations are based on knowhow and call for investments which are typically the kinds of inputs in shortest supply in the less developed countries.

Objectively viewed, exploitation of the sea beds emerges as a reaction by the rich countries, based on their know-how and their money, to the only means of pressure the developing countries had at their disposal: manipulation of the volume and prices of their raw material exports. The Third World has shown on many occasions that it suspected science of serving, quite naturally, the interests of those who produce it -- the industrial powers. In the case of exploitation of the tremendous potential of the sea bed, that science would swiftly demonstrate its evil effects on the developing countries should its activities not be strictly circumscribed. That, at least, is the view of the "Group of 77."

Once we accept, for the sake of argument, a parallel system, would it be acceptable for corporations from a single country (in this instance, the United States) to have the legal right to grab off all contracts earmarked for the industrial powers? The American government thinks it would be, but points out that, considering the very large number of promising sites for exploitation, there is no risk whatsoever of any country's gaining a monopoly over the international sea bed. The vast majority of the other countries disagree. France, particularly, successfully pushed for an anti-monopoly clause, and submitted a very specific draft to that effect.

The chances for compromise on all these divers issues depend on the pricetags the various parties involved in negotiation affix to passage of a sea bed convention and to the Law of the Sea as a whole. Looking at the sea bed issue by itself, we have already pointed out that the Third World was less concerned, at the economic and financial level, with increasing the advantages which might stem from sea bed exploitation than with minimizing its drawbacks. At that level, there would be no loss or compromise of Third-World interests if exploitation were to be delayed indefinitely in the absence of a convention. On the other hand, the advantages it could derive from the adoption of a system for sea bed exploitation lie on the ideological level: acceptance of the concept of internationalization of these enormous reaches in the form of granting quasi-sovereignty over them to a global Authority, which would mean agreeing to practical Third-World control over the territory in question through the interposed organization. Hence the importance of the ideological stakes to the Third World operates in the same direction as its fear of the untoward effects of exploitation, and thus can hardly be considered as an incentive toward compromise.

The United States position, of course, is different. Unquestionably official policy designed to reduce dependence on foreign suppliers of the particular metals in question does not demand any specific deadline. American corporations, however, have reached the point where they must decide whether or not to make the heavy investments that are the requisite immediate preliminaries to full-scale operations. In order to make their decisions and round up the necessary financial backing, they need the kind of juridical security which, ideally, the global convention would provide. So the government has clearly signalled its desire to reach a convention quickly. Clearly, this does not strengthen its hand at the bargaining table, and might even weaken it radically, even without the threat of possible unilateral legislation on the matter.

At the urging of some of its members, disappointed at and tired of the lethargic pace and the trend of negotiations at the

Conference, Congress is now in the final stages of scrutiny of a bill which would stipulate the conditions under which American corporations could exploit the international sea bed. Under this legislative structure, which would remain in force until such time as the world convention took effect, the companies abiding by it would thereby obtain a degree of juridical security, less than what they would enjoy under the convention, but doubtless adequate to warrant the start of exploitation.

Any such unilateral American legislation would certainly give rise to similar measures on the part of the major industrial powers, which would not at all care to see the United States, thanks to their initiative, given a critical advantage in exploitation of the ocean floor. We already know, in fact, that the Bundestag is considering a similar project, also of parliamentary origin. It is highly improbable, furthermore, that France will remain idle at the legislative level.

And again, considering the kind of regulations that would be adopted, it would seem likely that the countries with such juridical armor at home would seek to coordinate their systems within a select international convention which, unlike the text the United Nations is drafting, is already generally referred to as a "mini-convention." In response, the Third World has risen up in wrath against any such plans, at the political level, of course, but also from the juridical point of view. It has categorically declared that any unilateral exploitation of "the common heritage of mankind" is now and henceforth illegal.

> [Letter dated 23 August 1979 addressed to the president of the Conference by the president of the Group of 77, doc. A/CONF. 62/89 of 24 August 1979. The content was confirmed by a "resolution I" adopted by the foreign ministers of the Group of 77 on 29 November 1979 in New York, Doc. CONF. 62/94 of 19 October 1979.]

The industrial powers, including the United States, France, and Germany, have no less firmly let it be known that in the absence of any international convention limiting their rights in the international zone of the sea bed, reasonable exploitation of this zone is perfectly legal under international law. But of course, added France, this was nothing but a makeshift arrangement pending conclusion of a sound convention.

It is clear that the real stakes in all this rhetoric lie in the chance it provides the industrial powers to come up with an alternative to what they would consider an unsound convention on the international zone. What turn this issue will take will depend on two kinds of attitudes and mind-sets: those of the U.S. Congress in its assessment of the needs of American corporations vis-a-vis the prospects of a world convention and

the political repercussions of a national alternative; and those of the Third World which has won a lot, but whose appetite for concessions sometimes seems to feed upon the ones it gets.

The General Outline Defined by the Conference, and Reform of International Law

What does this general outline, as it has emerged from the Conference deliberations, have to do with substantive reform of the law of the sea?

The Convention Outline

We might answer that question by comparing the achievement to date with the Conference's original mandate. We see upon such comparison that the Conference has yet officially to adopt any preliminary draft of a convention. No procedure has yet met with official consensus, nor has any vote been planned should consensus prove out of reach.

The overall outline described here constitutes, as the Conference jargon has it, an "emerging consensus," but it is not as yet a consensus-consensus. Nor is it even certain to turn into one. As to getting it confirmed by a vote, not to mention the fact that moving that way might well run into unforeseen problems, there would be little chance of the very broad participation which the convention would have to have if it is to work.

The road to getting a convention is beset with still other difficulties, furthermore, vicissitudes peculiar to the technicalities of casting ideas into law: adoption of a system for settling differences over the interpretation and implementation of the Convention, and -- more than anything else -- over the preambulatory and closing clauses.

The closing clauses, in addition to the technical legal points, pose some very delicate problems. The same may be said of the procedures involved in the convention's taking effect (which will have to reconcile the need for prompt affirmation of the new law with that for adequately representative participation in the new agreement) or of those for amendments to its text (all parties to which will certainly not view in the same light). As for another issue that will have to be settled in connection with the closing clauses, to wit: the matter of permissibility of reservations, it is fairly significant that, during preliminary discussion on this point, all delegations agreed that they could not settle on which arrangements could be subject to reservations until they knew whether or not the arrangements were satisfactory to them... Furthermore, in connection with this

discussion, several delegations saw fit to point out that certain principles embodied in the convention should be considered part of the "jus cogens," meaning in plain language that they want these concepts to be made binding, in the name of an assumed desire of the whole of the international community, even upon those of its members who do not accept them (the common heritage of mankind, for example).

Furthermore, a convention must must specify who can belong to it. In practical terms, this means that somebody must decide whether its doors are to be open to entities other than states. Under this heading, the Conference must rule on the eligibility of the Palestine Liberation Organization and of the national liberation movements recognized by the African Unity Organization. It must also decide on its reply to the petition, several times presented by the member states of the European Communities, asking that this international organization be permitted to become part of the convention for matters on which the right to make international commitments is vested in it rather than in its member states (the clearest example of this is the matter of fisheries). Then the Third World countries, because they are not too familiar with the EEC, ill-disposed toward it, or uneasy over the precedent it might provide for other organizations to take advantage of, are reluctant to permit Community participation, whereas the Nine feel it indispensable.

If we look back over these various issues, the least we can conclude is that there is still a lot of work to be done before a convention text will be ready to be submitted to governments for signature.

Positive Law: Outline and Evolution

Relations between the global outline as elaborated by the Conference and the recasting of the Law of the Sea must also (some would say above all) be evaluated in practical terms, or, in other words, from the point of view of praxis in the several states. And so at this point we perceive that the outline has in large part been cast in terms of positive law insofar as concerns applications of the principle of national appropriation.

On the score of the legitimacy of extension to 12 nautical miles of the outer limit of territorial waters, the actuality of this change received unmistakable corroboration from the scope of the reaction triggered, at the end of August 1976, by the news that the American fleet had received orders not to recognize territorial waters beyond the 3-mile limit. Since the Conference was still in session, a very large number of delegations, including all delegations from the coastal states, vigorously asserted that the 3-mile limit was an anachronism and was no longer part of positive law. As for the 200-mile zones, they are already

covered not merely by unilateral measures (dealing with fisheries or economic zones) on the part of most states including the major ones; they are the matter of bilateral agreements or multilateral agreements on fishing rights and of multilateral agreements among neighboring states.

It would be mistaken to see, in this transformation brought about in a few short years, evidence that United Nations organizations possess some sort of quasi-legislative powers; in fact it is evidence of the effect that the deliberations of the LOS Conference have had in speeding up the usual processes of evolution in customary law. In the general view, the issues involved in reform of the law of the sea were extremely important and a settlement was urgently needed: the understandable reaction was to try to arrive at a convention as quickly as possible but, were that to prove too long in coming, to consider more expeditious means. Reciprocal relations thus grew up among the positions of the various delegates to the Conference, and unilateral measures adopted by the states, like opinions and usage, began a process of mutual reinforcement from one year to the next, or even from one session of the Conference to the next. In this context, the "texts" which the Conference executive issued under one title or another have played, now play, and will continue until such time as they become a global draft convention, the very important role of reference texts for national decision-makers.

The Record and the Outlook

By comparison with the conventional reform called for under the Conference mandate, this customary reform reveals flaws which have been widely reported and which have firmly convinced all the delegations that they must redouble their efforts to arrive at a universal convention. In view of this, it will be seen that gradual change in customary law does not exactly lead to the sort of juridical security which -- theoretically, at least -- a convention would provide.

Furthermore, this unforeseen process undermines certain ground-rules which the Conference had formally adopted. One such casualty, as has already been noted, is the principle of consensus. The package principle, however, has fared not much better, since development in positive law affects only some of the areas covered in Conference debates. These, however, are shortcomings which may well, in actual practice, prove to be felt to highly disparate degrees, according to which government happens to be looking at them.

The argument from the lack of real consensus unquestionably looks more cogent to land-locked countries or to geographically disadvantaged ones than to the governments of littoral countries which have declared economic zones.

These governments may well fear that the need to arrive at consensus may, in one way or another, invalidate the rights they have arrogated to themselves in their zones. It is obvious, in particular, that the group of 53 land-locked and disadvantaged countries will support a consensus (or refrain from using their "veto third" when one comes to a vote) only if they are given more of an advantage on the matter of fisheries resources than the littoral states are prepared to grant them, judging by their unilateral measures.

Furthermore, a convention would ordinarily involve certain obligations in the area of peaceable settlements of differences although, in the course of exercising their new rights under customary law, states do not feel that they are assuming any new obligation insofar as concerns methods of settling disputes which may arise in connection with those rights.

Finally, the argument from greater juridical security stemming from a convention boils down, in plain words, to the notion that a written and signed agreement would place limits not so much on customary law as on the ambitions of the littoral countries, confining them to what they have obtained for the moment. This is an argument for the big maritime powers, not for the developing littoral countries.

Hence there will be a certain number of countries -- specifically those which have led the evolution in customary law -- which can assume that, while the achievements of customary law were embodied in a convention, there would be no visible improvement from their point of view.

That still leaves the argument based on the selective nature of the reform of customary law. It will take more than unilateral measures to make a working system, insofar as concerns the international ocean bed zone, out of the one for which the Conference has already laid down .... [line or lines missing in text] ... or, more precisely and be regulated by customary law only in a direction very different indeed from that contemplated by the Conference, which assumes [that there will be] a universal convention. When it comes to making the international zone of the ocean bed "a common heritage of mankind" managed by an international organization, the flaws in the customary law solution become a radical disability.

For a number of countries, the advantages of the convention over customary law, looked at dispassionately, might boil down to the fact that only this convention would make it possible to realize this plan, very sweeping though it doubtless is, but which was not near the top of the list of their national priorities by comparison with the extension of the jurisdiction of the littoral state out to 200 miles offshore.

Customary law reform, on the other hand, has its merits. Among them must be listed, in some views, the realistic reaction it constitutes vis-a-vis the artificial egalitarianism of the decision-making rules which prevail in meetings held under United Nations auspices. Holders of this view will point out that the process initiated by the cumulative effect of Conference decisions and the real behavior of states constitutes a fair synthesis of the pure artificiality of equal voices for all delegations in the Conference (29 land-locked nations could theoretically cancel out the votes of 29 maritime nations) and the pure interests of the powers which traditionally governed the evolution of customary law. In this new process, an essential role is played by the opinion of the states as a whole, as it emerges within the Conference. But considerations having to do with the real possibilities for practical action in the sphere in question are not deliberately overlooked as they are in the abstract logic of conferences. The customary process hence cannot be summed up in this general consultation. It takes account of what happens outside the conference room, meaning the behavior of states, each of which is evaluated on the basis of its real importance.

Most important of all, the reform already made possesses the exceptional merit of being -- precisely -- effective. Of course one may well be startled at the particular orientation chosen for reform and at the choice of its beneficiaries. This attempt to organize the world leads, in the name of introducing reason into juridical relationships, to assigning extraordinary importance to the accidents of geography, and to do so under the aegis of world solidarity brings about the most significant expansion of national sovereignties in recent history. All this, however, is independent of the vehicle, be it customary or conventional, of the reform. We must perforce see it as the consequence of the rethinking that has been at work on the concept of national sovereignty ever since it was picked up by the Third World and thereby found the legitimacy and vigor of its early youth.

The fact remains that the Conference has not yet succeeded in reconciling the views of mankind on the proper fate of its 'common heritage." If the achievements of the Conference are to measure up to all that is expected of it, it must do a creditable job on this unique exercise of providing a written constitution, adopted practically by consensus, for a yet unborn world state, an industrial trading power whose boundaries embrace the submerged half of the globe.

The present reform, unexpected in its form, is therefore incomplete in its scope. And yet the remarkable fact remains that a United Nations Conference could so soon have such impact on reality and contribute so mightily to the definition of a new juridical world order.

6182
CSO: 5200

FISHING BOAT ESCORTED TO USSR PORT BY JAPANESE, SOVIETS

Rescue Attempted

OW190929 Tokyo KYODO in English 0840 GMT 19 Apr 80

[Text] Niigata April 19 KYODO--A Japanese salmon fishing boat was escorted by both Japanese and Soviet patrol boats to Nakhodka Saturday after it was seized by Soviet authorities for alleged violation of the Russian 200-mile fishing zone. The 49-ton salmon boat, the No 38 Tenenoure Maru, was stopped by the Soviet patrol boat Friday morning while operating about 200 kilometers south of Nakhodka. The maritime safety station here, upon hearing of the seizure, rushed a patrol boat to the scene to rescue the Japanese fishing boat. The Japanese maritime authorities argued that the area where the incident occurred was within the North Korean 200-mile fishery zone in which Japanese fishing boats are allowed to operate under a provisional agreement concluded by Japan and North Korea.

Officials of the Soviet patrol boat, however, kept insisting during talks conducted throughout Friday night that the Japanese salmon fishing boat had been at a spot which became part of the Soviet fishing zone through a change of demarcation last summer. Because the seas in the area were getting rough, the officials on both the Japanese and Soviet patrol boats apparently agreed to escort the fishing boat to Nakhodka for a continuation of the talks.

NHK TV Report

OW190937 Tokyo NHK Television Network in Japanese 0800 GMT 19 Apr 80

[Excerpt] The Japanese said that Japan has never been informed of the sea zone which the Soviet side claims to have newly instituted, and strongly maintained that this kind of matter should have been negotiated through diplomatic channels. The Soviets, however, ignored this assertion. The spot where the Sunokiramaru was fishing is outside the 200-mile zone set by both North Korea and the Soviet Union. Since a considerable number of Japanese boats were fishing in waters near their 200-mile boundaries, the fishery agency has been instructing them to be careful about their locations. This is the first time a Japanese fishing boat has been seized by the Soviets while fishing outside its 200-mile zone.

CSO: 5200

BRIEFS

ARGENTINA-USSR RESEARCH--Mar Del Plata, 24 Apr (TELAM)--Navy Capt Alberto Oscar Casellas, ret, director of the National Research and Fishery Development Institute [INIDEP] stated here today that Argentina and the Soviet Union will undertake a joint fishing research project in the sub-Antarctic [subantartica] region in order to assess the volume of resources and the harvesting of krill. He made this announcement at a press conference in which he outlined the results of the joint fishing research carried out by Argentina with the FRG and Japan. [Excerpts] [PY242230 Buenos Aires TELAM in Spanish 1615 GMT 24 Apr 80]

PORTUGUESE DELEGATION TO CHILE--A Portuguese fishing delegation is visiting the country at the invitation of Fishery Under Secretary (Roberto Verdugo). They will study cooperation in the fishing sector, including the participation of Portuguese capital and the formation of Chilean enterprises to exploit fishing resources. [Text] [Santiago Chile Domestic Service in Spanish 0000 GMT 22 Apr 80 PY]

USSR-US. FISHING TALKS--The Soviet-U.S. talks on joint fishing in 1980 began in Nakhodka yesterday. The directors of the Soviet-U.S. company for the utilization of maritime resources and representatives of the Dalrybs Association are discussing practical measures aimed at flounder fishing in the Bering Sea and hake fishing near the U.S. and Canadian coasts. Participating in the talks are Oleg Nikolayevich Portenkov, director of the deep sea fishing base, and (David Fisher), captain of the U.S. fishing flotilla, who will collaborate in fishing. [Text] [Vladivostok Domestic Service in Russian 0930 GMT 16 Apr 80 OW]

MOROCCO SEIZES SPANISH BOATS--Rabat, Apr 16 (MAP)--The Royal Marines hailed on April 10, 1980 twenty-one Spanish boats which were caught in the act of fishing in Moroccan waters between Tanger (northern Morocco) and Kenitra (40 km to the north of Rabat), announced Tuesday a communique from the Moroccan Ministry of Trade and Industry, Merchant Marine, and Fisheries. "The authorities noticed that these boats were violating Moroccan regulations regarding fishing as well as the terms of the Moroccan-Spanish agreement. The Spanish boats were trawling within the 12-mile interdicted zone

were using prohibited nets and fishing tackle, were catching immature fish and did not have a fishing license. These boats were led to the Casablanca port where the measures foreseen by the regulations will be taken against them," concluded the communique. [Text] [LD161330 Rabat MAP in English 1233 GMT 16 Apr 80]

CSO: 5200

MALAYSIA-THAILAND PLAN JOINT OFFSHORE AUTHORITY

Kuala Lumpur BUSINESS TIMES in English 8 Feb 80 pp 1, 20

[Article by Tan Sri Chelliah]

[Text]

WHEN Malaysia and Thailand eventually establish a joint authority for the exploration and development of mineral resources off their eastern coast, the focus of attention will be a delta-shaped area in the continental shelf adjacent to their common border.

It is bordered in the north by a line running from the intersection of latitude N 6 degrees 30 minutes and longitude E 103 degrees 21.3 minutes to N 7 degrees 10.25 minutes E 103 degrees 29 minutes to N 7 degrees 40 minutes E 103 degrees 2.5 minutes.

From that point it runs southward to the intersection of N 7 degrees 33 minutes E 103 degrees 42.5 minutes and southwestwards to form the southern limit through the intersections of N 7 degrees 26 minutes E 103 degrees 30 minutes, N 7 degrees 3 minutes E 103 degrees 6 minutes and N 6 degrees 50 minutes E 103 degrees 54 minutes to link with the original starting point.

For the purpose of determining criminal jurisdiction, a line has been drawn to divide the area into two approximate halves. The area in the northern half comes under Thailand and that in the south under Malaysia.

In a memorandum of understanding signed by Thai Premier Tun Kriangsak Chomanan and Malaysian Prime Minister Datuk Hussein Onn at Chiangmai last year, both countries will benefit equally from any discovery of oil, natural gas and other minerals found in the joint development area.

Similarly, all costs of exploration and exploitation will also be shared by the two countries equally through the joint authority. The joint authority will assume all rights and responsibilities for the exploration and exploitation of the "non-living natural resources of the sea-bed and sub-soil" in the joint development area, including the development, control and administration of the area.

However, the assumption of responsibility by the joint authority will not affect the validity of any concessions or licences issued by either country prior to the signing of the memorandum of understanding.

The joint authority, which has yet to be set up, will consist of two joint chairmen, one from each country and equal number of members from Malaysia and Thailand.

If oil is discovered by the concessionaires in the joint development area, royalties and any other levies will be payable to the joint authority, to be shared by both countries equally.

If a oil, natural gas or mineral deposit is discovered in an area which extends beyond the joint development area, the joint authority and the parties concerned are obliged to inform the signatories and efforts will then be made to reach agreement as to the manner in which the natural resources will best be exploited.

In such a situation, all expenses incurred and all benefits will again be shared in an equitable manner.

Since the joint authority has jurisdiction over the sea-bed and sub-soil, the memorandum does not infringe or in any way curtail existing fishing rights or impinge upon the sovereign right of Malaysia and Thailand to carry out hydrographic and oceanographic surveys, even in the joint development area.

Navigation rights are also unaffected by the creation of the joint development area. This is because, under international law, a country making a claim to the continental shelf has a right only to the non-living natural resources of the sea bed and subsoil.

The state has no claim to the waters above the continental shelf unless the waters above the continental shelf also form part of its territorial sea.

However, international law also provides that all ships including those not belonging to the coastal state have the

right of innocent passage.

Passage is deemed to be innocent so long as it is not "prejudicial to the order or security of the coastal state." Submarines may pass through, but must navigate on the surface.

The Malaysia-Thailand memorandum also stipulates that security arrangements in the joint development area should be combined and coordinated.

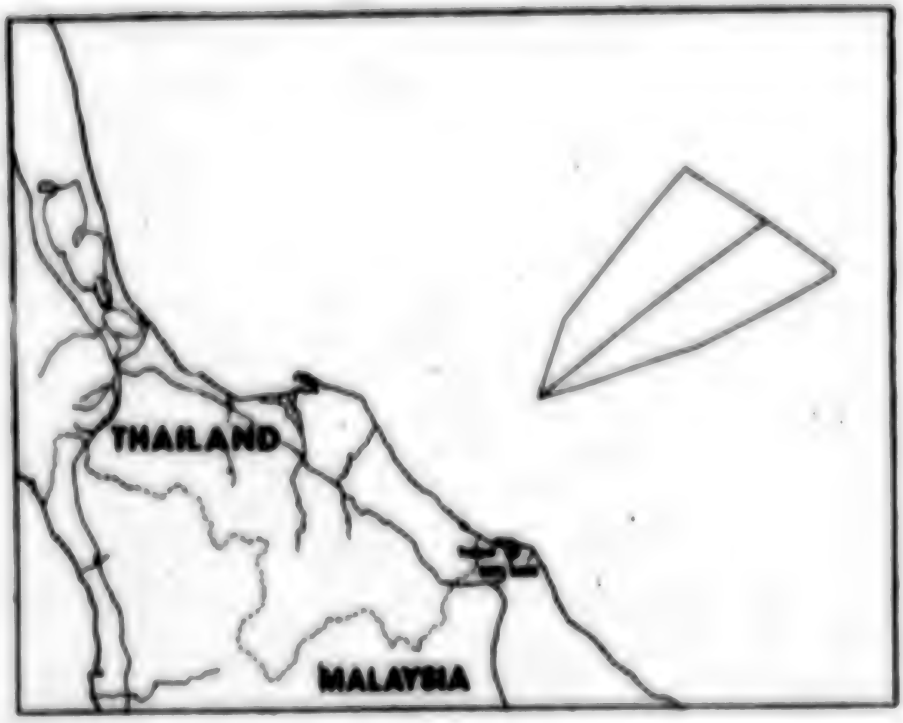
The purpose of creating the joint authority was to allow the two countries time to settle the impasse over the demarcation of the disputed continental shelf area, over the next fifty years.

If, however, both parties arrive at a satisfactory solution before the expiry of the fifty-year period, the joint authority will be wound up and its assets and liabilities shared and borne equally by both parties.

However, instead of winding up the joint authority, the two countries are allowed to agree to a new arrangement.

If no agreement has been reached on the expiry of the fifty-year period, the joint authority will continue in existence.

The memorandum was ratified late last year during the visit of Thai Premier Tun Kriangsak to Kuala Lumpur.



(SO: 5200

SOUTH KOREA URGES MEASURES TO COUNTER JAPANESE FISHING BAN

SK181254 Seoul THE KOREA TIMES in English 18 Apr 80 p 1

[Text] The Japanese Government has suddenly asked the Korean Government to stop Korean fishermen's operations off Hokkaido, one of the major pollack fishing grounds of Korea, it was learned yesterday. The Japanese move may well be a staggering blow to domestic deep-sea fishing industries, causing a sharp supply shortage of fish and heavy rises in fish prices. The drastic action of the part of the Japanese government has increased tension in relations with Japan on the levels of both the government and the private business sector here. The request was formally filed with Korea in the regular working-level fishery talks between the two sides held in Seoul Apr. 9-11. Following the Seoul conference, the Japanese side made the same request in the Korea-Japan foreign ministerial conference in Tokyo Wednesday.

Domestic fishing industries netted 483,000 tons of pollack in major deep-sea fishing. [sentence as published]. They suffered a great setback in the following year as major coastal nations such as the United States and the Soviet Union proclaimed 200-mile economic zones. Losing the bonanza fishing grounds, the high-sea fishing businesses have developed other fishing grounds including the area around Hokkaido, where they have netted pollack toteling 120,000-140,000 tons a year.

Faced by Japanese protests against Korean fishermen's operations off the island, however, domestic fishing business concerns have reduced their operations there by 60 percent voluntarily. The deep-sea fishing industries here, informed of the Japanese recent request, have strongly urged the government to regulate Japanese fishing operations in waters off Korean coasts by, for instance, applying a 200-mile economic zone to Japan.

CSO: 5200

BRIEFS

JAPAN-PRC TALKS--Tokyo April 23 KYODO--Prime Minister Masayoshi Ohira Wednesday indicated Japan's readiness to discuss possible oil exploration and development off the Senkaku Islands, lying between the Ryukyus and Taiwan, with China. Ohira made the remark at the day's meeting of the House of Representatives Commerce and Industry Committee in response to a question from a socialist member. The socialist, Koichi Yamamoto, said: "The securance of oil is important. Do you have an intention of undertaking a joint oil development off the Senkaku Islands, setting aside the territorial question?" [Text] [OW231331 Tokyo KYODO in English 1246 GMT 23 Apr 80]

JAPAN-PRC OIL EXPLORATION--Tokyo April 23 KYODO--Japan and China are expected to sign Bohai Bay oil exploration and development contracts in Tokyo on May 28, Japanese sources said Wednesday. The contracts are expected to be signed between the China National Oil and Gas Exploration and Development Corporation and the two Japanese companies being inaugurated Thursday. The two Japanese firms are the Japan-China Oil Development Corp. and the Chengbei Oil Development Co. The Japan-China Oil Development Corp. is being set up under a bilateral agreement signed last December calling for a $210 million Japanese investment in initial oil exploration in the southern and western parts of Bohai Bay totaling 24,500 square kilometers. Chengbei Oil Development is being created under an agreement concluded in February for oil exploration and development in the deeper part of Chengbei oilfield, situated in the western part of Bohai Bay. [Text] [OW2311333 Tokyo KYODO in English 1256 GMT 23 Apr 80]

CSO: 5200

DUTY-FREE IMPORT SCHEME TO AID LOCAL FISHING INDUSTRY

Auckland THE NEW ZEALAND HERALD in English 12 Apr 80 p 5

[Text] Wellington (Press Assn)--A decision to extend the duty-free import scheme for fishing vessels will help support New Zealand's fishing industry, according to the Minister of Agriculture and Fisheries, Mr MacIntyre.

"Amendments to the criteria for granting import licences will encourage entry of a selected range of those vessels suitable for deeper-water fishing and on-board processing."

To qualify, a vessel must have refrigeration equipment of acceptable modern standards and be more than 30 metres in length.

Vessels of more than 21 metres will still be eligible for duty-free import so long as they are longliners, tuna trollers, pole and line vessels, or squid jiggers.

The age of vessels will no longer be a criterion for granting duty-free entry.

Mr MacIntyre said used fishing vessels were readily available overseas. Removing the age restriction from the list of criteria reflected the Government's desire to see New Zealand buyers taking advantage of the full range of market prices.

It was also important that New Zealand should maintain a viable shipbuilding industry of its own.

And he said yesterday that the move has been coupled with an instruction to the Industries Development Commission to prepare a development plan for the local shipbuilding industry.

One of the main effects of the package will be to encourage fishermen to fish farther away from the coast, by allowing the free import of larger, more modern vessels.

Mr MacIntyre said the Government was committed to the principle of seeing New Zealand fishing resources being fully used by efficiently trained and equipped local fishermen.

The duty-free scheme had already enabled local fishermen to obtain suitable vessels for working the resources of the continental shelf.

"In deciding to extend the scheme to March 31, 1981, prime consideration has been given to now encouraging the exploitation of resources farther offshore in our 200-mile zone," he said.

But the long-term future of the industry was tied only in part to the requirements of the fishing industry.

"The need to replace a wide variety of vessels in the course of time should be met by a strong and vigorous industry that is also fully capable of servicing an ongoing requirement for repairs and maintenance," Mr MacIntyre said.

The Industries Development Commission as been asked to prepare a plan for the shipbuilding industry, to be completed by September 30.

CSO: 5200

FISHERMEN SEEK $NZ2 MILLION SUBSIDY AS INDUSTRY SLUMPS

Auckland THE NEW ZEALAND HERALD in English 14 Apr 80 p 3

/Report by HERALD marine reporter/

/Text/ The fishing industry says it needs a Government subsidy of about $2 million immediately or else new boats and processing plant worth millions of dollars are likely to be made redundant.

The Federation of Commercial Fishermen is seeking a subsidy of 7 cents a kilogram on fish because many cannot afford to pay off Rural Bank loans on new craft and some have been forced to sell.

The Fishing Industry Board's economic and marketing manager, Mr R. Armitage, says the industry had reached a crunch point in its development and long-term Government assistance is needed for its development.

Lay-ups

If the Government offered this subsidy on less popular species it would not only help the industry expand into deeper waters but also generate about $12 million in exports of the species, he believes.

The industry believes the $2 million subsidy could come out of the $9.7 million taken by the Government in licence fees each year.

An annual catch of about 30,000 tonnes of less popular fish would come under such an arrangement.

The alternative is likely to be massive fleet lay-ups, particularly in the South Island, and the possible closure of processing factories.

A map survey conducted by the board reveals that local catches, not including those by joint ventures, have dropped by about 25 per cent this season.

Export Boost

Last year local fishermen were caught between greatly increased operating costs and depressed export prices. Mr Armitage says this gap has closed in the fisherman's favour but lower catches mean they still cannot pay off new boats and cover operating costs. Poor weather has been a major cause of lighter catches.

The board wants a repeat of the sort of subsidy which the Government gave last year when it granted $1 million for certain less popular species.

The subsidy resulted in New Zealand selling 1500 tonnes of fish to West Africa and has almost guaranteed the sale of a further 6000 tonnes this year.

"We are selling in a market where the British subsidise their exports by about 9 cents a kilo," said Mr Armitage, who believes the subsidy should cover a wider variety of less popular species.

High Risk

While the industry's problem was an immediate one resulting mostly out of a poor season, Mr Armitage said, there should be a realisation that it needs longer term assistance.

"The Government has been quite serious in its attempts to get the industry established but a longer term commitment in the form of assistance to cover operating costs is required."

Suspensory loans for new boats and shore plant have enabled companies to expand and start taking advantage of the 200-mile zone, but these were high cost, high risk and high capital projects.

"They must face a loss situation for the first two or three years and cannot be expected to carry all the risks themselves. They will need two or three years' support of the kind the Government is now giving to the wool industry," said Mr Armitage.

Fish processors have serious problems largely because the domestic catch cannot keep newly expanded factories fully employed. Some now depend on joint-venture catches to make up the short fall.

This is a matter of concern as the foreign boats can be taken out of New Zealand waters at their owner's whim if the local economics do not look bright.

The Federation of Commercial Fishermen and affiliated organisations in a request for Government assistance early next week will also ask for 10 per cent suspensory loans on new boats.

CSO: 5200

FIRST DEEP-SEA TRAWLER FOR SQUID FISHING COMMISSIONED

Wellington THE EVENING POST in English 25 Mar 80 p 16

[Text]

WRIGHTSON NMA'S new $1,500,000 deep sea trawler — the first in New Zealand to be used primarily for squid fishing — was officially commissioned in Dunedin yesterday.

The vessel, named the "Otago Challenge" arrived in New Zealand a few days ago after a six-week sea voyage from Vigo, Spain where she was built by C N Santo Domingo Ltd.

Headed by its chairman (Mr R R Trotter) the board of Wrightson NMA yesterday held a commissioning function at Dunedin for representatives of local organisations.

The 30-metre stern ramp trawler has been specially fitted out for squid fishing as well as mid and deep water trawling and has freezing facilities on board. It provides particularly good working conditions for crew as its design enables all handling and processing of thecatch to be done under cover between decks.

In addition to being very well-equipped, the vessel is of a design that has been proven in the north and south Atlantic and is well suited to southern waters. Santo Domingo, itself a fishing company operator, has provided a Spanish captain who will be seconded to Wrightson NMA for three months to advise on trawling for squid.

The trawler will be operated out of Dunedin where Wrightson NMA's fisheries divison has its headquarters. It will begin work immediately.

Although a stock and station company, Wrightson NMA, a subsidiary of Challenge Corporation Ltd, has been established in fishing for over 40 years. As well as owning its own boats it has close ties with a large number of private fishing boat owners. It maintains cooling and packing facilities at a number of New Zealand coastal centres.

Wrightson NMA is also involved in several joint squid fishing ventures.

CSO: 5200

ADMIRAL OPPOSES 12-MILE MARITIME TERRITORIAL LIMIT

Sao Paulo O ESTADO DE SAO PAULO in Portuguese 13 Apr 80 p 10

[Interview with Admiral Freitas Rozo in Rio de Janeiro; date not given]

[Text] Admiral Freitas Rozo said in Rio de Janeiro that a reduction in the Brazilian maritime territorial limit to 12 miles would be "an act of dismemberment of the national territory." He added that "there is no international consensus to compensate for the sovereignty which would be taken from us." Regarded as one of the most ardent defenders of the "200-mile" policy, the admiral challenged some points in a recent interview granted by Minister Saraiva Guerreiro on the matter and he stressed the risks resulting from the possibility that Brazil might exchange its sovereignty over the 200-mile area of its territorial seas "for changing and complex prospects pertaining to rights to participate in the exploitation of the high seas and to have access to the pertinent technology." He gave assurance that these rights and such access "would have no guarantee of feasibility or continuity."

[Question] Foreign Minister Guerreiro recently acknowledged the possibility that Brazil might reduce its territorial seas. What is your view of this possibility?

[Answer] In the interview granted to JORNAL DO BRASIL (23 March 80) by Foreign Minister Guerreiro, I did not find in the answers he gave any clear assertion about the possible reduction of the extent of our territorial waters, although in the introductory statements preceding the questions and answers in the interview, there was such an assertion and there were glimpses of it "between the lines" in his answers.

[Question] Does the conference on the sea which is in progress and to which the foreign minister referred seem satisfactory to you?

[Answer] From what I know about the development of the conference on the sea, there are two capital aspects: the struggle of the great international trusts which have the technology to explore and exploit the greater depths

on the high seas to win legislation which will favor and enrich them, and the pressure of the great maritime powers to "limit the sovereignty" of other countries in the 200-mile maritime area.

Basically these two aspects are closely linked, for the elimination of sovereignty in the 200-mile area would facilitate the aspirations of the great trusts, which makes it clear why the countries in which they have interest are the very ones combating the 200-mile maritime limit, for example the United States, FRG, France, Canada, England and Japan. These countries, with their interests in mind and to protect the trusts they sponsor, are alined with the USSR against the countries which want to defend their sovereignty in the 200-mile area closest to their coastlines in order to safeguard the wealth found there, the exploitation of which will be reflected in their economic reserves.

Where the rights and regulations on the high seas are concerned, the foreign minister sought in the interview to make it clear that the Brazilian delegations have effectively defended our national interests, although the guarantee of these interests for the future does not seem certain to me.

As to the sovereignty we have been exercising in the 200-mile area since 1970, everything suggests, unfortunately, that it will be "exchanged" for changing and complex prospects of enjoying rights to participate in the exploitation of the high seas and to have access to the pertinent technology, rights and access which in my opinion have no guarantee of feasibility or continuity.

[Question] What is your opinion about the strategic aspect of the conference on the sea?

[Answer] The rights of the riparian nation over an exclusive economic zone (proposal to substitute 188 for the 200-mile maritime territorial limit) are ambiguous in the way the text was drafted with a view to negotiations to convert it into a draft convention, eliminating the aspect of "security" which sovereignty involves in "territorial seas."

Foreign Minister Guerreiro has said that "the strategic aspect was taken into account when the territorial limit was adopted, just as it is being considered now, the navy having always participated in the determination of the Brazilian position." I agree with the first part, as to the adoption of the 200-mile limit, for I was one of the ideologists of expanding our seas and I drafted the arguments justifying it in all respects: strategic, economic, political and even juridical, prior to the Geneva Convention of 1958. I was the intermediary between the navy and legal counsellor Clovis Ramalhete, now counsellor general of the republic, in seeking to obtain a juridical ruling favorable to the expansion of the maritime limits to 200 miles, so that the navy could, based on the opinion of a jurist of international renown, persuade the Itamaraty Palace that was at that time opposed to the 200-mile maritime territorial limit.

It was not "above all economic concerns" which led to the 200-mile limit, as the foreign minister says. These concerns predominated among the civilians.

In the navy in that era--1970--there were great strategic concerns, making it desirable to push our maritime boundary line to 200 miles from the coast. The same reasons for these concerns still exist today, for among other things, the establishment of submarine defensive listening apparatus, defensive missiles with a submarine base, and defensive mines continues to be possible and will be necessary in the future, to defend our territory. Without "sovereignty," and with only a "diffuse" exclusive economic zone, we will lose the right to make use of these facilities for defensive war, and there would be no legal hindrance to prevent even naval battles with nuclear weapons in the zone between the naval forces of other nations, as close to our beaches as 12 miles away, putting the coastal population at risk.

The foreign minister stressed that when the territorial limit was extended to 200 miles, the "security aspect" was not a "basic factor, because there was no acute threat to the country, no natural threat." The government of a country which seeks to be a power cannot, at the end of the 20th century and in the nuclear era, wait for "acute threats" to develop before thinking of a defensive strategy.

[Question] The exclusive economic zone is not satisfactory to you, then?

[Answer] The exclusive economic zone as actually planned is a foreign and "unacceptable condominium" in which the riparian nation would be obliged to agree to military exercises of any type and scope by other countries therein, the transit of warships and military aircraft with nuclear weaponry and propulsion systems, the installation of submarine cables and pipelines and even the establishment of facilities for non-economic purposes.

[Question] When we extended our limit to 200 miles were we not violating any national law?

[Answer] The foreign minister said that when we extended the limit to 200 miles, "our thesis was that there was no rule in international law defining the territorial seas," but he overlooked the fact that the Geneva Conventions of 1958 had defined every aspect of the territorial waters except the breadth. The navy quite rightly took these conventions as its basis in defending the extension of our limit. There was nothing to prevent extending the maritime limit to 200 miles.

[Question] Doesn't it seem possible to you that because of diplomatic injunctions, Brazil should be less adamant about the 200-mile limit?

[Answer] What seems to me to be the case is that our diplomats were incapable of the leadership necessary to maintain the "preference" mentioned

by the foreign minister which came to be the majority opinion, with the goal of establishing the 200-mile limit to protect what was of priority importance for the countries in the process of development.

After we had developed a majority preference for the 200-mile limit, we ended up by supporting an exclusive economic zone, "a term coined by the Africans," again in the words of the foreign minister. Precisely when we cease to be "radical," we surrender leadership, and instead we were "sensitized" by the countries which were certainly "enlightened" and instructed by the interested powers.

I know international conferences, and this always happens: the "radicals" triumph over those who "negotiate" a great deal in order to reach a "consensus."

Brazil has an international potential for leading trends at any international meeting in defense of its interests and its security. The "obsession" with achieving a "consensus" always leads to results favorable to the strongest, or the most radical, as will happen with the conference on the sea. The "radical" international trusts will win out, while the average and small countries will have to be content with what is left.

[Question] What sense do you see in Brazil's reduction of its limit to 12 miles?

[Answer] The purpose, if Brazil signs a treaty or convention limiting its sovereignty to 12 miles of territorial waters, can be nothing other than an act of "dismemberment" of our national territory, to which the 200 miles were "annexed" by Decree No 1098 of 1970. There is no "international consensus" to compensate for the sovereignty which will be "usurped" from us in the name of a utopian convention, seeking naively in the case of some and radically for those seeking profit to establish a universal agreement for all the countries in the world, which never was and never will be achieved on any other matter. We will be the sheep drinking at the stream with the lion.

[Question] In your view would this mean a retreat in Brazilian policy?

[Answer] It is essential that enlightened men in this country, in the press and in the National Congress, examine this matter seriously and in depth, in order to prevent Brazil from reducing its territorial seas, for the loss of the 200-mile limit will be not only a political retreat, but in direct language, will represent a diplomatic defeat, going against the Rio Branco diplomatic policy.

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CSO: 5200

SEIZURE OF SECOND SPANISH FISHING VESSEL REPORTED

Luanda JORNAL DE ANGOLA in Portuguese 10 Apr 80 pp 1, 7

[Excerpt] Yesterday afternoon the Spanish crew of the vessel "Vidal Bocanegra-Huelva" was brought to the Ministry of Fisheries in Luanda. It had been caught fishing illegally in our territorial waters by the People's Navy of Angola. It is the second Spanish vessel within 5 days to be caught by Angolan organs of maritime security.

The "Vidal Bocanegra" was seized on 5 April between the Cabo das Tres Pontas and Cabo Ledo, when it had already caught approximately 16 tons of shrimp over a 15-day period of illegal fishing in our territorial waters. The justification invoked by the ship's captain was the same as the argument presented by the captain of the first ship seized: "We had heard that fishing agreements had been signed between Angola and Spain, and we thought we could go ahead with our activities!" It appears likely that this is, in principle, a rehearsed justification to be invoked in case our maritime security would have detected them while illegally fishing in our territorial waters.

According to the captain of the "Vidal Bocanegra," this violation has been going on for 2 months, and all the catch, duly packed and frozen, was shipped to Spain via Ponta Negra. Meanwhile, according to additional information we were able to acquire, this is not the first time that this vessel has been in Angolan territorial waters. "We were fishing in Angolan waters during the colonial period; of course, we thought at the time that our activities were legal."

According to officials of the Ministry of Fisheries, the seized catch will be handed to EDIPESCA [expansion unknown] for marketing, while fishing equipment will be removed from the vessel and will henceforth be considered Angolan property. The "Vidal Bocanegra" will be handed to port authorities for proper trial and fined according to our country's laws on the subject. The first Spanish vessel to be seized was the "Cigala. Primero-Las Palmas." It had been fishing illegally about 12 miles off the coast of Luanda.

CSO: 5200

MEASURES AGAINST ILLEGAL FISHING TO BE INTENSIFIED

Johannesburg THE STAR in English 7 Mar 80 p 6

[Text]

WINDHOEK — SWA/Namibia authorities are expected to step-up measures to prevent large-scale pirate fishing by foreign vessels off the coast here as the new fishing season for the territory begins next month.

But despite indications that a crisis was looming in the industry, fishing factories operating from Walvis Bay generally recorded higher profits from their operations during 1979 — in one case as much as R400 000 — in which intervention by "pirate" operations reached a new peak.

Factory operations were quick to point out that the higher profit trend was out of proportion due to surpluses of fish meal carried over from 1978, and which were sold last year. There was also a rationalisation of canning operations.

The Director of Economics in SWA/Namibia, Mr Piet Kruger, said he expected renewed activity from foreign fishing fleets, but that counter measures and patrolling of the fishing waters would be stepped up.

Although much talk of crisis in the fishing industry has again been heard, the situation is not a new one for Walvis Bay fishing factories which have begun diversifying into other areas of the fishing industry, away from the dwindling traditional pelagic catches.

One fishing factory operator in Walvis Bay said that although fishing companies were "having quite a battle" the future looked brighter than it had done for some time because of ventures into more lucrative snoek and mackerel catching.

"For the past six years now we have had the problem of foreign fishing fleets operating off the coast. Whereas we are compelled by law to a season and off-season, they are not. But a lot of them are having problems with bunker fuel due to high oil prices and maybe this will keep some of them away from our fishing grounds this year," he said.

DANGER

Despite the fact that the total pelagic fishing quota is expected to remain more or less the same as last year around 550 000 tons, the quota for pilchards — which has long been in danger of overfishing — is expected to be cut by about two-thirds to 4 000 tons canned.

Mr Kruger said although he suspected that foreign vessels had caught some fish during the off-season, catches by authorities for research purposes were also made, "but there was no fish to catch."

He hoped through international agreement and stepped-up patrolling of the fishing waters would effect a better control on the catches made by foreign vessels.

CSO: 5200

GREENLAND COURT INCREASES FINE OF FRG 'PIRATE' BOAT

'Political Geyser' in Godthab

Copenhagen BERLINGSKE TIDENDE in Danish 29 Feb 80 p 3

[Article by Karl Erik Jeppesen: "West German Trawlers Fish Illegally--Great Concern Over Cod Theft Off Greenland"]

[Text] We face financially strong foreign corporations who deliberately and cynically attempt to deprive a weak society of its means of existence.

That is the strong wording used in the indictment in the first of three lawsuits against West German commercial trawlers who have been illegally fishing for cod in Greenland waters. The case has become a political geyser, involving not only West Germany but also the EC. Greenland's politicians are indignant and demand stronger sanctions and increased control over foreign fishing in its territorial waters. Greenland feels that the illegal codfishing has been going on for years.

For quite some time Greenland's fishermen have suspected that large commercial trawlers working the waters west and east of Greenland have been covering up for something. Actually, they were fishing for cod which was declared to be an illegal catch by the EC allocations of fishing quotas. The local fishermen had particularly strong suspicions against the West German trawlers.

For many years it has been noted how Greenland and West German trawlers were fishing side by side--often dangerously close to one another. The Greenland catch on those occasions was cod. The Inspectorate of Fisheries has shared this suspicion.

The minister for Greenland, Jorgen Peder Hansen, tells the WEEKEND AVISEN that the Inspectorate of Fisheries during recent months has established minor violations of the catch rules when boarding checks were made, and each time warnings were issued. "We have worked intensively on this

problem," says Jorgen Peder Hansen. "This led to changes in our control procedure and gave results."

Three West German commercial trawlers were caught red-handed fishing illegally within 3 days. All boats belong to actual trawler shipping companies, Nordsee Hochseefischerei, which is part of the Unilever Company. Fillets and frozen cod which are products of illegal catch are sold in hundreds of their stores all over West Germany.

Nobody believes that this is the result of accidental or occasional violations, or that the violations were initiated by the individual trawlers themselves. Officially, the trawlers come to Greenland waters to catch flatfish, which is a legal catch, but have returned instead with a load of cod fillets. In one case it is known that the value of this load was 2.2 million kroner or more than 200 ton, which is the equivalent of about 600 tons of whole cod.

Together the three vessels implicated caught nearly ten percent of the Greenland quota for 1980.

This happened because of the currently very loose control system. Regulations now in force only require foreign fishermen to report their catch over the radio to the national Commissioner's Office in Greenland as to the type of catch and weight before they leave the fishing location. Only spot checks are made, or in case of suspicion, a boarding check of the ship.

Therefore the strong reactions arising from the case are directed, understandably, toward more effective control mechanisms.

The Chase Begins

It was on Thursday, 14 February, when the navy vessel "Defender," sailing in the waters of western Greenland, passed the 96-meter long commercial trawler "Geeste" at 3,576 degrees latitude, positioned 61 degrees north and 50 degrees west. This was a position that did not agree with the vessel's own statement. And the catch was quite different from that reported to the office of the commissioner. Permission had been given for flatfish, but the cargo consisted of 189 tons of fillets, primarily from approximately 600 tons of cod, halibut and catfish. The 70-man crew was very busy.

At a legal inquiry session in Ruuk (Godthab) on Saturday, the captain admitted violating the catch regulations. Moreover, he had also been fishing in Greenland's waters for 14 years, and had received a warning from the Commission of Fisheries a few months before. The prosecutor, District Attorney Leif Senholdt, proposed initially a fine of 200,000 kroner to take care of the matter, in addition to the value of the illegal catch, estimated at 2.2 million kroner. This the skipper could not accept and

the case went to court. "Geeste" then received permission to go out and fish after posting a bond of 3 million kroner. At the next court session the prosecution demanded a "considerably larger fine" than the one first proposed of 200,000 kroner, and on 22 February the skipper of "Geeste" was sentenced to pay a fine of 1/2 million kroner for illegal catch. The value of the catch was fixed at 1.9 million kroner and was confiscated. This is the first time that a violation of catch regulations has led to a conviction for illegal fishing.

The Sentence

The Minister for Greenland was satisfied with the sentence, which he described as severe, while the prime minister, Johan Motzfeldt, may wish for a change in the court procedure which could result in harsher sanctions against the pirate fishermen.

Both were satisfied with the prosecution's declaration included in the court's judgment: "We face financially strong foreign corporations who deliberately and cynically attempt to deprive a weak society of its means of existence."

The prosecutor, District Attorney Leif Senholdt, on the other hand was dissatisfied that the High Court did not adhere to the prosecution's demand for 2.2 million kroner to cover the confiscated catch value. He also found it offensive that the "Geeste," after posting bond, was permitted to sail before being sentenced.

Next Prey

Before the skipper on the "Geeste" had received his sentence, and the day after he was told that he would have to go to court Sunday, 17 February, the hunt for the next West German pirate fishermen began.

The navy vessel "Ingolf" caught the commercial trawlers "Heidelberg" and "Julius Pickenpack" red-handed in the waters between East Greenland and Iceland while fishing illegally for cod, and with a load worth approximately 2.3 million kroner. The trawlers attempted to escape and not until after a chase of 7 hours did the "Heidelberg" give up, while the "Julius Pickenpack" disappeared in the direction of Icelandic waters.

With a four-man Danish prize crew and more than 200 tons of cod fillets aboard, the "Heidelberg" was escorted to Nuuk (Godthab). The "Julius Pickenpack" had 43 tons of illegal fillets aboard. During the chase, the Ministry in Greenland, by way of the Foreign Ministry and via West German authorities, ordered the two fleeing trawlers to come along, but only the skipper of the "Heidelberg" obeyed. The other vessel apparently disappeared on the seas. As yet it has not made call at a West German port. A warm reception is planned for it there too. The West German minister of industry, Antje Huber, has assured Greenland's Minister that the

the escaping trawler's skipper will be brought to a West German court with demand for a penalty no less than that which the prosecutor in Nuuk would have imposed. The West German authorities have not been able to contact the "Julius Pickenpack's" owner. The owners of the shipping company simply are not answering the telephone.

The High Court in Nuuk Sunday made a decision that the "Heidelberg" will not be allowed to sail before the investigation of the cargo is concluded and a charge against the skipper has been entered. In this case the prosecutor will demand that the entire illegal catch be confiscated and brought back to land. This time no one will risk that the cargo value will be underestimated.

Political Heat Wave

The case quickly reached the highest political level. The first heated pronouncements were all made forcefully. Greenland's prime minister attended the first court hearing where the "Geeste" skipper admitted his guilt.

Jorgen Peder Hansen called the trawler's actions "simple commercial theft," and a "commercial theft of particularly coarse nature." He further stated: "The skipper admitted quite clearly that he had been out on an illegal expedition. The "Geeste" had come up to Greenland with the deliberate intent of violating the rules. Such an action must of course be severely punished. There is no inexpensive way of getting out of harvesting on a neighbor's territory, and in addition: "It must not be profitable for multinational corporations to invest their capital in illegal fishing. A multi-national corporation has deliberately violated agreements and rules."

The government's prime minister, Jonathan Motzfeldt, said among other things: "German trawlers' pirate fishing in the North Atlantic is not only theft, lies and fraud in relation to Greenland, but also to the EC partner, Denmark."

He called the incident a breach of confidence between Greenland and the EC and in that connection points to the fact that Greenland repeatedly opposed joining the Common Market with Denmark. In Danish circles of government, and within the Ministry for Greenland, it is emphasized that the incident does not constitute a difference with the EC, but rather is a question of how to end illegal fishing. The two large parties on Greenland are not quite agreed on the interpretation. They agree on blaming the West German fishermen and their shipping companies for the illegalities. But Siumut also speaks of an EC problem as it concerns a deliberate breach of quotas assigned by the EC. Atassut's Chairman, Lars Chemnitz, on the other hand, stressed that the EC cannot be held responsible for an individual member nation's crimes.

Greenland's representative to the EC, Finn Lynge, says: "The Danish inspection ship's capture of the three pirate boats caught in the act only confirms what all Greenlanders have been suspecting for years. If it is not to have repercussions in our relationship with the EC, the Common Market will be obliged to contribute by increased supervision of Greenland's fishing areas. The minister responsible for industry-related matters, Lars Emil Johansen, who is also the chairman of Siumut, feels that it must also be considered whether West German flatfish fisheries now will be permitted to continue fishing at all. "We have earlier made the demand that foreign flatfish catch should be limited to areas near the EC, and this issue now should be reconsidered with increased vigor," says Lars Emil Johansen. He continues: "The EC has the responsibility for fishing policies. To date EC has given Greenland about 600 million kroner in various subsidies, but that is nothing compared to what EC fishing has stolen in our waters."

The chairman of Greenland's fishing-catch organization, parliament member, Niels Carlo Heilman, Atassut, submits a proposal that all foreign fishermen should pay a tax on all catches they make in Greenland's waters.

A number of proposals have been submitted for stronger sanctions against pirate fishing and for improved control measures.

It is hoped, for example, that all catch equipment should be confiscated by a court, that licenses could be withdrawn and that even greater fines could be imposed.

Member of parliament Otto Steenholdt, in a letter to Prime Minister Anker Jorgensen, suggests a regulation according to which foreign trawlers would be obligated to check into Greenland on arrival as well as before departure.

It is also proposed that control measures be sharpened in the fishing vessels' home countries. Today there is, for example, no form of control in West German harbors. Finally, there could also be an enlargement of the present Fishery Inspection Office.

At a meeting on Sunday in Copenhagen in which, among others, the Minister for Greenland, the prime minister, and Finn Lynge participated, agreement was reached to ask the government promptly to take measures vis-a-vis West Germany and the EC. Jorgen Peder Hansen immediately wanted to contact the Foreign Ministry, and Finn Lynge will take up the matter in the Committee of Fisheries in the EC parliament. Finally, proposals were discussed which could be submitted to the EC commission on this matter.

The West German government has described the incident as intolerable. "I had indeed expected that," said the Minister for Greenland. "West German understanding is imperative for maintaining trust and cooperation within the EC."

Likely To Harm EC Cause

Copenhagen BERLINGSKE TIDENDE in Danish 28 Feb 80 p 12

[Editorial: "EC's Power and Lack of Power"]

[Text] Greenland has effectively exploited popular scepticism toward the EC in the case of the captured West German commercial trawlers heavily loaded with an illegal catch of cod.

In view of the progress made so far, however, it is difficult to see how the EC membership can be perceived as a weakness rather than a strength for enforcing the laws of the sea. The inspection of fishing limits has been strengthened and Greenland has been assured by the EC's main office in Brussels, that as a member of EC it can also obtain all fishing rights in Greenland's waters. It is only a question of how the fishermen on Greenland exercise their power which will determine when the EC renounces previous rights.

The West German trawlers' fishing is clearly illegal. The Inspections Office caught them in the act, and the High Court in Godthab imposed record-high fines in the case presently concluded. The Minister for Greenland is prepared to extend the framework of penalties if necessary.

From the West German side the illegalities have been met with unequivocal and strong regrets and assurances of effective punitive consequences. When the matter is taken up in the EC, where it obviously belongs in view of its seriousness--West Germany will not be Greenland's or Denmark's adversary judging from the reaction up till now, but on the contrary, will support Greenland's and Denmark's efforts in the Common Market to prevent a continuation of these illegalities. These were, in this case, committed by a multi-national corporation whose conduct can be corrected most effectively by united European action, precisely the way cooperation should work in the EC.

The case of the illegal West German fishing off Greenland is not an example of the EC's lack of power. But it is--and should be perceived and treated as--a decisive test case, especially in West Germany, of the EC's power to enforce the legal principles governing the catch of the limited resources of the seas.

Record High Fine

Copenhagen BERLINGSKE TIDENDE in Danish 5 Mar 80 pp 1, 2

[Article by Birgitte Henrichsen: "Heavier Penalties for West German Pirate Fishing"]

[Text] Bitterness and anger--and fines of over half a million kroner. That is the reaction on Greenland against the West German pirate fishing along Greenland's coasts badly in need of control measures.

Greenland's High Court in Nuuk (Godthab) yesterday sharpened its measures against pirate fishing in Greenland's waters by assigning a fine of 600.000 kroner. The judgment is the most severe up till now. The sentenced skipper on the commercial trawler "Heidelberg," Karl-Otto E. Berhrman also was sentenced to have the illegal catch confiscated, estimated to be worth 1.4 million kroner. Besides, he also suffered the loss of several hundred thousand kroner in the form of confiscated fishing gear. The skipper had the most modern equipment available to assure quick profits in this fish plundering exploits.

A few days ago another West German trawler skipper received a fine of 1/2 million kroner and his catch confiscated at an estimated value of 1.9 million kroner. But this captain was permitted to keep his equipment.

The court yesterday, however, did not support the prosecution's claim that the trawler's West German shipping company "Nordsee Deutsche Hochseefischerei" should be fined heavily. The court found no proof that the trawler had acted on orders from the shipping company when it began its illegal fishing off Greenland in December.

Bad Luck

The judgment against the "Heidelberg" skipper would have been even harsher if the Ministry for Greenland had been more alert. The Ministry had failed to renew a fishing regulation concerning Greenland which expired at the end of 1978. The new regulation was not issued until 30 January and thus the first month of the year was open season for foreign fishermen to get their catch in Greenland waters.

Referring to the lack of regulations for January, the court did not find grounds for confiscating that part of the "Heidelberg" catch from that month. The trawler had been fishing illegally all of January but was not discovered until 18 February.

Disgust

The authorities on Greenland have long harbored justified suspicion of illegal West German fishing. "We have noted this with disgust and find the exploitation of the difficulty of controlling Greenland's fishing areas revolting," said Prime Minister of Greenland Jonathan Motzfeldt, at the opening of the spring session of parliament yesterday.

"The total extent of illegal fishing will probably never be known, but it is very important," he maintained. Motzfeldt's statements, nevertheless, are interpreted as quite subdued. He did not connect the affair with Greenland's relationship to the EC; on the contrary, he stressed that it was important to keep one's head and not indulge in general condemnation of the outside world. He stated further that Greenland has received full support from Danish authorities.

Thus Prime Minister Anker Jorgensen is expected to bring up the matter with the West German Chancellor Helmut Schmidt. If there is proof that West German trawlers have been fishing illegally off Greenland there will be legal consequences in West Germany. This was promised during a conversation between Minister of Fisheries Pual Dalsager, and West German Under-Secretary of State H. J. Rohr, at a meeting in Brussels. Dalsager pointed to the irritation and bitterness the West German fish plundering off Greenland has caused in Northern Denmark. The West German government has given assurances that no illegalities committed by German fishing boats will be either covered up or accepted.

Greenland Minister Satisfied

Copenhagen BERLINGSKE TIDENDE in Danish 5 Mar 80 p 1

[Article by J. J. Kjaergaard]

[Text] "Jonathan Motzfeldt and I agreed to await the judgment which now has been made, and from the political side we welcome the stricter tendency with great satisfaction," says the influential minister for Greenland, Jorgen Peder Hansen to the BERLINGSKE.

"The areas around Greenland subject to fishing controls are immense, and therefore we should demand that foreign trawlers play the game according to the rules, and that violations of the law are punished by fines which carry weight," adds the minister.

"I also welcome the West German Fisheries' minister's promise of legal prosecution of vessels which escape from Danish inspection ships. It is true that the announcement came later than expected but this was not due to negligence, but rather a desire that the text [of the regulation] should cover more kinds of fish than just cod.

The whole situation which is now being decided in the court in Greenland provides a basis for a realistic estimate of inspection problems and fishing problems, among them the use of the so-called flatfish puree nets. Greenland's government now ought to negotiate this matter with the Danish government and the EC," Jorgen Peder Hansen added.

Inspectorate Orders Planes, Copters

Godthab GRONLANDSPOSTEN in Danish 28 Feb 80 p 12

[Article: "New Planes for 183 Million Crowns for the Inspectorate of Fisheries--Simultaneously the Navy's Alouette Helicopters are Exchanged for New Type"]

[Text] Now the Inspectorate for Fisheries will become more effective. The Defense Command ordered three completely new planes of the type "Gulfstream 3" just before the scandal on East Greenland. These planes will start to operate during 1981 and 1982 to patrol the waters off Greenland and the Faroe Islands. The planes replace the slow Hercules 130 transport planes currently in use.

At the same time the navy's helicopter fleet will be renewed. The navy has ordered eight helicopters of the type "Naval Lynx MK 80" which gradually will replace the "Alouette" helicopters.

At the present time there are no plans to bring in more inspection ships.

The New Planes

"We are speaking about a considerably increased capacity for our surveillance when the 'Gulfstream' planes go into operation," says Captain S. Torp Petersen from the Defense Command, "The 'Gulfstream' planes are considerably less expensive to operate than the Hercules 130, and they have greater range and much higher speed."

"Gulfstream 3" is a two-engine jet plane approximately 25 meters long. When it is used for surveillance tasks it carries a crew of six men. The plane's cruising speed is 825 km/hour and its top speed is 928 km/hour. The plane's fuel supply is sufficient for 6,870 km uninterrupted flight. That means that larger areas can be inspected more frequently than is the case today.

The "Gulfstream" can operate from the large airports in Greenland; South Stromfjord, Narssarssuak, Mestersvig and probably also from Nuuk. "Gulfstream" can land on level sea ice but not on open water.

EC Support

S. Torp Petersen stated that when a similar plane was introduced in Vaerlose, the EC decided to contribute 70 million kroner to the Danish fishery inspection on Greenland.

"But we never saw that money in our accounts. It disappeared straight into the national treasury," said Torp Petersen, who added that the three "Gulfstream 3" planes will cost 183 million kroner, but that this cost will not be charged directly to the defense budget because they will be used for civilian assignments.

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'AFTENPOSTEN' NOTES CONFLICTING INTERESTS OVER JAN MAYEN TALKS

LD2106l7 Oslo AFTENPOSTEN in Norwegian 15 Apr 80 p 8

[Morten Fyhn report: "Jan Mayen Zone on 1 June?"]

[Text] Reykjavik, 14 April--Regardless of the outcome of the negotiations with Iceland on Jan Mayen, it is highly probable that Norway will set up a 200-mile zone around the island at the same time Denmark does the same around Greenland. Denmark has hinted to Norway that such an expansion of the zone is likely by 1 June at the latest, key members of Norway's delegation at the talks in Reykjavik told AFTENPOSTEN.

Norwegian officials are more and more preoccupied with the problems which will arise when eastern Greenland north of the 67th parallel extends its territorial limit to 200 miles, so that waters lying in the direction of Jan Mayen will become accessible to fishing vessels from the EEC. Since Denmark is laying claim to a full zone round Greenland, and everything suggests that it will put this claim into effect, this will mean that the planned Norwegian Jan Mayen zone will be greatly reduced in size. According to information that AFTENPOSTEN has received, both Foreign Minister Knut Frydenlund and Fisheries Minister Eivind Bolle are fully aware that Norway cannot neglect to set up a zone around Jan Mayen when Denmark sets up a zone round Greenland. This is due both to domestic political reasons and to fears that the question of a demarcation line between the two zones would be further complicated if Norway were to be faced with a fait accompli.

During the tough and complicated negotiations with Iceland, the Greenland question has been discussed. The Icelanders have asserted that, even if their own 200-mile limit is not to be encroached upon by a Jan Mayen zone, this will not necessarily be the case with a Greenland zone. However, it is a great problem for Iceland that the EEC will be able to fish in Greenland's zone and Iceland will have no influence on the size of quotas. Capelin is also fished in the area, and it is well known that Iceland claims that capelin stocks belong to Iceland.

It was decided on Monday to appoint a group of officials to discuss the fishing problems in greater detail before the negotiations continue on Tuesday.

A group to look into the question of a demarcation line and the problems surrounding the continental shelf was also appointed.

During the negotiations Iceland has made it clear that it requires guarantees from Norway on significant Icelandic privileges on the shelf round Jan Mayen. For its part, Norway is not prepared to give these guarantees at present. One reason is that the question has not yet been discussed with the Storting's Foreign Affairs Committee. Norway can only agree to a proviso in the agreement with Iceland where it is stated that the establishment of a Norwegian fishing zone does not "prejudice" the parties' views on the continental shelf.

Norway also believes that the question of a full Icelandic 200-mile limit in the direction of Jan Mayen must be the object of later negotiations so that Norway now wishes to reserve judgement in the matter. In practice, this means however that the disputed area will for the moment remain Icelandic and that Norway will request Norwegian fishermen not to enter the area. Experts in international law in the Norwegian delegation have reacted strongly to what they call Iceland's taking the law into its own hands.

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'SIGNIFICANT CONCESSIONS' EXPECTED IN NORWAY-ICELAND FISHING TALKS

LD160829 Oslo AFTENPOSTEN in Norwegian 12 Apr 80 p 4

[Morten Pyhn report: "New Norwegian Zone Can Be Accepted"]

[Text] There is every reason to expect stormy negotiations between Norway and Iceland over Jan Mayen Island when Foreign Minister Knut Frydenlund and Fishery Minister Eivind Bolle begin talks in Reykjavik. The conflict concerns Norway's plans for a 200-mile economic zone around the windswept Norwegian island more than 1000 km from the mainland. But there are strong indications that there is now a possibility of finding a solution at least regarding fishing rights, so that a new cold war can be avoided. [paragraph continues]

This means that Iceland can envisage the acceptance of a Norwegian fishing zone against the promise of considerable Norwegian concessions.

Last year saw a public break in the negotiations after Iceland proposed a joint zone around Jan Mayen. For Norway such a novel solution was--and still is--impossible to accept. The stubborn Norwegian opposition to shared sovereignty has led to a situation where Iceland is prepared, albeit reluctantly, to accept a Norwegian fishing zone on certain conditions. Briefly, Iceland has three unshakeable demands which Frydenlund wants to bring out in the open with the information that these demands are not negotiable:

1--Iceland's own 200-mile limit will remain in force in the direction of Jan Mayen. A midline solution will not be contemplated for the 2,500 square km area where the Icelandic zone and the planned Jan Mayen zone overlap.

2--Total quantities of capelin which can be fished within the Icelandic zone and the Jan Mayen zone are to be decided solely by the Icelandic authorities.

3--Iceland shall have at least half of all capelin which can be fished in the Jan Mayen zone. In addition, Iceland also wants to be able to demand the right to half of all fish quotas in the Jan Mayen zone. This means, for example, equal future rights in herring fishing as well as cod and shrimps.

Because it is the capelin fishing which is the most important question at the present time, Iceland may perhaps accept an agreement that only covers capelin, on condition that talks are held later on the other types of fish.

Conversations which AFTENPOSTEN has had with eminent Icelandic politicians and officials give the impression that Iceland will not insist on an agreement now which also embraces seabed resources. Ideally both countries want such a total solution, but the distance between their viewpoints is too great for them to be able to reach such a solution in this round of talks. Iceland demands also at least half of these resources, if they are found, but seems to realize that such a broad solution cannot be reached at present. So the problems relating to the seabed can be shelved until a later date, with the parties in agreement that neither has committed itself to anything.

If Norway accepts the three abovementioned Icelandic conditions for its acceptance of a Norwegian fishing zone around Jan Mayen, the negotiations can have positive results. It is also quite clear that Norway does not have much choice if a peaceable solution is to be found. The Icelandic terms are probably not so "impossible" that Norway will not be able to accept them. The alternative is no agreement, with a great danger of confrontations in the fishing waters between fishing boats and inspection vessels. Unilateral Norwegian establishment of a zone would be met by a sharply worded Icelandic protest note and the two Scandinavian sister nations would be thrown into a bitter conflict whose consequences are difficult to predict today.

A serious problem is that tempers soon become frayed in Iceland. Not all the members of the all-party Icelandic delegation at the negotiations are as prepared to give up even the most far-reaching demands and, in sections of the press, the attitude is implacable and militant.

Iceland therefore expects Norway to make significant concessions. One can ask if this is not justified since Iceland is much more dependent than Norway on fishing as an important part of its economy. As much as 97 percent of Iceland's exports are derived from its fishing industry. Not without reason the Icelanders remind us that Norway is a rich oil nation while they themselves live almost exclusively by their fishing. [paragraph continues]

Iceland's demands for greater rights on the sea bed are also put down to anxiety about a possible large oil spill in the area sometime in the future which could devastate fish stocks and consequently the Icelandic economy.

Iceland likes to use the expression "western Scandinavia," which also includes Greenland and the Faeroes. They see a natural community between these nations of island peoples who live on what the sea can give them and who occupy a special position. In the unusually history-conscious Iceland it is also a serious political argument that they are convinced that an Icelander discovered Jan Mayen in 1194. An official commission points to a constant Icelandic interest in Jan Mayen right up to the present day. It also recalls a reservation from the Icelandic Government in 1927 in which Iceland reserves the right of Icelanders to operate on the same terms as the citizens of other nations on the island.

Behind Iceland's views on Jan Mayen there is therefore a pronounced doubt on whether Norway has full sovereignty over the island and scepticism about whether Norway has the right to a zone at all in the light of developments at the UN Law of the Sea Conference. Here Iceland is going too far and will hardly be able to find support in international law for its view.

For Norway the most important consideration is to regulate fishing. Iceland also wants this, but the Icelanders claim that the capelin shoals are Icelandic. The difference between the two countries' interests is, however, clear: For Norway, fishing around Jan Mayen is of marginal importance, whereas for Iceland it is vital.

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GOVERNMENT SHOWING INTEREST IN OCEAN-FLOOR MINING

Paris L'USINE NOUVELLE in French 3 Apr 80 p 66

[Article by Dominique Gautron: "Nodule Fishing: The French Are Jumping Into the Water"]

> [Text] Stirred up by the government, industrialists increasingly believe in the exploitation of the oceans and are in the process of obtaining the means for working on the sea bottom.

The Third United Nations Conference on the Law of the Sea is about to end, terminating 7 years of negotiations. Neither the government nor the industrialists waited for the conclusions before they would get into this considerable market. This is true particularly regarding the search and recovery of multimetallic nodules. Under these conditions it is not surprising that the government, at the beginning of the year, through André Giraud, minister of industry, gave priority to the nodules.

It was high time because the United States began to be interested in that way back in 1962. Consortiums were established: OMA, Kennecott Copper, OMI and OMCO, in expectation of international regulations. According to Jacques Napoly, industrial director of Imetal, the main point here was "to master the technique and then to wait for the conclusions of the UN."

This is what the French did who are well placed in this race since CNEXO [National Center for Exploitation of the Oceans] and the Le Nickel Company did not wait for official decisions before getting a move on.

The Afernod consortium, consisting of several companies, was created in 1974. Today, a new step was taken at Oceanexpo, the international ocean exploitation show, which has just been held last month at Bordeaux, with the first official presentation of "l'Epaulard," the remote-controlled pocket submarine capable of diving to a depth of 6,000 meters for a period of 6 hours and photographing the bottom at a rate of 25 square meters every 5 seconds.

Profitable Operation Starting in 1990

Built by the ECA company based on CNEXO research, "l"Epaulard" according to Alain Chaverebiere, ECA manager, "was designed for typical employment in connection with nodules. It cost F10 million with its complete system; and there is every indication now that it is of interest also to the United States."

The French Navy developed a research and operational system christened the "Park-Eric II." This is a system that can work at a depth of more than 6,000 meters, comprising an operational unit called "Eric II" and a photographic coverage unit called "Parc." In contrast to "l'Epaulard," which operates without a cable, these two vehicles are connected to the surface vessel by a kind of "umbilical cord."

The recovery of nodules is indeed a thing of high hopes. According to Robert Rocher, a technical-sales engineer at Marrel-Hydro, Bennes Marrel, a company represented at Oceanexpo, wanted to show "that they were interested in the search for nodules which necessarily will involve a requirement for hydraulic systems."

The Dubigeon-Normandie shipyard on the other hand emphasized ocean-going dredges. "We have not signed any contracts," hinted Thierry Dedyan, of the sales department at Dubigeon-Normandie, "but we did meet many interesting people at Bordeaux."

Manufacturers--stirred up, to be sure, by the ministry of industry--increasingly believe in the exploitation of the oceans; they are in the process of obtaining the equipment for working on the ocean bottom, even though at current prices of raw materials contained in the nodules as well as the investment cost, would not make the operation profitable until 1990. In the beginning, nickel and copper were the big "drawing card" in the nodules, to use an expression employed by Jacques Napoly; today however, this research is motivated by cobalt (Zairian sources are vulnerable) and manganese (the Soviet Union and South Africa supply 66 percent of the output and hold 80 percent of the earth's reserves).

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